

MEETINGS TO DATE 19
NO. OF REGULARS: 19

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
FEBRUARY 10, 2014**

ROLL CALL: Trustee Hammer
Trustee Nolder
Trustee Pecora
Trustee Kucewicz
Mayor Hoffman

ON A MOTION BY, Trustee Pecora, and seconded by Trustee Kucewicz, the January 27, 2014 Village Board Minutes were approved.

PUBLIC COMMENT – AGENDA ITEMS ONLY

Dave Burkhardt – 5 Autumn Lea – what is #3 what is the percentage increase? Attorney Aquino explained we need the hearing to possibility do the tax cap override. Budget numbers are not set yet and the tax cap is 1.66% this year.

PERMANENT STATUS DPW LABORER

Trustee Nolder, offered the following resolution and moved for its adoption:

Based on the recommendation of Liz Melock, Marty Lebedzinski has successfully completed his six month probation period and is promoted to Laborer I with CDL effective February 5, 2014 at a salary of \$24.60 per hour.

The foregoing resolution was seconded by Trustee Pecora and duly put to a roll call vote which resulted in the following:

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Kucewicz – Yes
Mayor Hoffman – Yes

SPECIAL ELECTION FOR VACANT SEAT 143RD NYS ASSEMBLY DISTRICT

Trustee Hammer, offered the following resolution and moved for its adoption:

Whereas, the Towns of Cheektowaga and Lancaster, as well as the Village of Depew, Lancaster and Sloan are part of the 143rd New York State Assembly District, and

Whereas, a vacancy exists in the 143rd New York State Assembly District due to the resignation of Assemblyman Dennis Gabryszak, and

Whereas, the approximate 269,770 residents of the 143rd New York State Assembly District deserve a voice in the NYS legislature's lower body, and

Whereas, the residents of the 143rd New York State Assembly District could be without representation in the Assembly until January of 2015, and

Whereas, residents depend on their local state assemblyman's office for basic constituent services and help with state government, and

Whereas, Governor Andrew Cuomo has the option to call for a special election to fill the vacancy, Now, Therefore Be It

Resolved, that the Village Board of the Village of Depew formally requests Governor Andrew Cuomo to set a special election for the vacant seat in the 143rd New York State Assembly District, and Be It Further

Resolved, the at the Village Board of the Village of Depew hereby directs the Village Administrator to transmit copies of this resolution to the office of Governor Andrew Cuomo; to the Towns of Cheektowaga and Lancaster and Villages of Lancaster and Sloan; and to all members of the WNY delegation to the New York State Senate and Assembly.

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The foregoing resolution was seconded by Trustee Nolder and duly put to a roll call vote which resulted in the following:

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Kucewicz – Yes
Mayor Hoffman – Yes

**AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR PUBLIC HEARING TAX CAP
OVERRIDE – LOCAL LAW 1 OF 2014**

Trustee Kucewicz, offered the following resolution and moved for its adoption:

Be It Resolved, the Village Administrator is authorized to advertise for a public hearing. The public hearing will be held on Monday February 24, 2014 at 7:00 pm in the Council Chambers. The purpose of this hearing is to consider Local Law 1 of 2014 authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c. If adopted, the proposed local law shall read as follows:

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Depew to adopt a budget for the fiscal year commencing June 1, 2014 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General municipal Law Section 3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3: Tax Levy Limit Override

The Board of Trustees of the Village of Depew, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2014 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

Section 4: Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, form or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5: Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

The foregoing resolution was seconded by Trustee Hammer and duly put to a roll call vote which resulted in the following:

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Kucewicz – Yes
Mayor Hoffman – Yes

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR PURCHASE OF FIRE TRUCK(S)

Trustee Pecora, offered the following resolution and moved for its adoption:

The Village Administrator is authorized to advertise for sealed bids for the purchase of a 2014 or newer Rescue Body Pumper. The bid document will include the option for two trucks as an additional bid item. Bid date will be set when the bid package is complete.

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The foregoing resolution was seconded by Trustee Hammer and duly put to a roll call vote which resulted in the following:

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Kucewicz – Yes
Mayor Hoffman – Yes

AUTHORIZE REPRESENTATIVE FOR NYS ENVIRONMENTAL FACILITIES CORPORATION

Trustee Nolder, offered the following resolution and moved for its adoption:

WHEREAS, The Village of Depew was awarded a planning grant for Wastewater Engineering Study from the New York Clean Water State Revolving Fund program in the amount of \$30,000 to study the infiltration and inflow in various areas of the Village,

NOW, THEREFORE, BE IT RESOLVED, that the Village Administrator is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the Village of Depew's obligations under the Engineering Planning Grant Agreement.

The foregoing resolution was seconded by Trustee Pecora and duly put to a roll call vote which resulted in the following:

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Kucewicz – Yes
Mayor Hoffman – Yes

AUTHORIZE PARTICIPATION IN CORNELL LOCAL ROADS PROGRAM – SUMMER INTERN

Trustee Kucewicz, offered the following resolution and moved for its adoption:

WHEREAS, The Village of Depew would like to participate in the Cornell Local Roads Program Pavement Management Summer Intern Project,

WHEREAS, this project will provide the Village with a complete pavement inventory and road condition data that will create a five year maintenance plan for the Village streets,

NOW, THEREFORE, BE IT RESOLVED, that the Village Administrator is authorized to notify the Cornell Local Roads Program that the Village of Depew is interested in participation in the program and will hire a summer intern for a 10 week period.

The foregoing resolution was seconded by Trustee Nolder and duly put to a roll call vote which resulted in the following:

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Kucewicz – Yes
Mayor Hoffman – Yes

MODIFY 2013/2014 BUDGET – FIRE DEPT

Trustee Hammer, offered the following resolution and moved for its adoption:

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2013/2014 Budget in the following manner:

Increase Budgeted Revenues – Minor Sales- 4-2655- \$3242.50 – sale of fire hose, emergency lights, air compressor filling station share
Increase Budgeted Expenses – Fire Dept – Protective Equipment – 5-3410-402 - \$3242.50

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The following resolution was seconded by Trustee Kucewicz, and duly put to a roll call vote which resulted in the following:

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Kucewicz – Yes
Mayor Hoffman – Yes

PERMISSION – DEPEW FIRE DEPT

Trustee Nolder, offered the following resolution and moved for its adoption:

Permission is hereby granted to the Aetna Hose Co to use the Southside Fire Hall on June 7, 2014 for their annual Chicken Barbeque from 6 am until midnight.

AND

Permission is hereby granted to Aetna Hose Co for the use of the Southside Fire Hall on December 13, 2014 for their Christmas Party from 4pm until midnight.

The foregoing resolution was seconded by Trustee Hammer, and **CARRIED.**

PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT

Trustee Kucewicz, offered the following resolution and moved for its adoption:

BE IT RESOLVED, membership is hereby granted to the following in the Depew Fire Department pending the passing of his physical:

CENTRAL HOSE CO #4

John Hughey 208 Calumet Depew NY 14043

AETNA HOSE CO

Kenneth William Menard 191 Calumet Depew NY 14043

The foregoing resolution was seconded by Trustee Pecora and duly put to a roll call vote which resulted in the following:

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Kucewicz – Yes
Mayor Hoffman – Yes

PERMISSION SEMINAR

Trustee Pecora, offered the following resolution and moved for its adoption:

Permission is hereby granted to Liz Melock to attend the NYCOM Personnel School on Friday March 14, 2014 from 8 am until 4 pm at the Hilton Garden Inn, Pittsford, NY at a cost of \$110.00 for the conference.

The foregoing resolution was seconded by Trustee Hammer and **CARRIED.**

TREE/TRIMMING REMOVAL:

EMPLOYMENT APPLICATIONS: Summer Rec – Rebecca Schneider, DPW summer – Peter Kranz

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DEPARTMENT HEAD REPORTS: Fire Dept 2013 –

ON A MOTION BY, Trustee Kucewicz and seconded by Trustee Nolder the department head is accepted as presented.

COMMITTEE REPORTS: None

UNFINISHED AND OTHER BUSINESS None

PUBLIC CONCERNS AND COMMENTS –

Joan Priebe – 15 Howard – what is the upper limit on the taxes? #5 what is this paying for and we still need an engineer, #6 what is the rate of pay. There is no upper limit on the taxes besides the constitutional tax limit, the \$30,000 grant will pay for some of the engineering, the pay rate is between \$13-\$15 per hour.

Dan Beutler – 26 Tyler – concerned about the Lancaster OEM office at 321 Columbia since the Town of Lancaster has authorized it's sale. He spoke about past issues with the copier company and Southeast Works. He does not want the neighborhood to change because a business will go in that does not generate a lot of tax dollars. He would like the library to be a training center for kids. Mayor explained there haven't been any preliminary talks with the Town of Lancaster. The Village has a good relationship with the Board now.

Don Symer – Columbia (Town of Lanc) – wants a community center in the OEM center. New owner will see a LIDA pilot. He wants to work together with the Board on the sale of this property.

Mayor – property is zoned residential right now. The Village Board would have the final say on the property's zoning.

Kevin Peterson – 54 Babbette – wanted to know how the guy from Virginia made out on the zamboni work. Mayor explained parts are being ordered and he will be back.

John Spencer – 38 A St – wanted more information on the fire trucks. Chief Whipkey explained that is was discussed in the pre-meeting and it will be put out to bid. Village Administrator explained the bid opening will be March 6th and once the Fire Dept reviews the bids the Board will approve at their next meeting. Bid documents will have an optional line for the price of 2 trucks and depending on the finances the Board will decide the number.


CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Pecora, seconded by Trustee Kucewicz, the following claims are to be paid: General \$241,470.47, Sewer \$12,022.53, the motion was **CARRIED**.

ADJOURNMENT-

ON A MOTION BY Trustee Hammer, seconded by Trustee Nolder, the meeting was adjourned at 7:30 pm with a reminder to clear the snow from the fire hydrants and have a Happy Valentine's Day. The motion was **CARRIED**.

Respectfully submitted,


Elizabeth C. Melock
Village Administrator